

**CM/ECF VERSION 3.2**

**RELEASE NOTES**

**FOR ATTORNEYS**



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## PUBLIC ACCESS CHANGES

### Creating an Appendix

By selecting the new *Create Appendix* option on the Docket Report selection screen, attorneys can select documents from the Docket Report for aggregation into a single PDF file. This feature includes the ability to automatically generate either a full or abridged docket sheet.

The *Sort Order* column provides a text field for each docket entry. The user can enter integers to dictate the sort order for the documents to be included in the aggregated PDF file. Any documents with a sort order specified this way will be included in order by their sort order number, before documents that don't have a specified sort order. The table of contents (bookmarks) for the aggregated PDF file will be in the same order as the included documents. The entries on the included docket sheet will not be changed to reflect the order of the included documents.

Docket Entry Selection Screen - Bottom Portion

Date Filed	#	<a href="#">clear</a>	Sort Order	Docket Text
06/11/2006	<a href="#">1</a>	<input checked="" type="checkbox"/>		COMPLAINT against John Ashburn (Filing fee \$ 350.), filed by John Baker. (Allen, Jennie) (Entered: 06/11/2007)
06/29/2006	<a href="#">2</a>	<input checked="" type="checkbox"/>		ANSWER to COMPLAINT with Jury Demand by John Ashburn. (Allen, Jennie) (Entered: 06/11/2007)
03/05/2007	<a href="#">3</a>	<input checked="" type="checkbox"/>		MOTION to Produce Medical Records by John Ashburn. Motions referred to Thomasina S Twenty. (Allen, Jennie) (Entered: 06/11/2007)
03/15/2007	<a href="#">4</a>	<input checked="" type="checkbox"/>		RESPONSE in Opposition re <a href="#">3</a> MOTION to Produce filed by John Baker. (Attachments: # <a href="#">1</a> Affidavit) (Allen, Jennie) (Entered: 06/11/2007)
04/16/2007	<a href="#">5</a>	<input type="checkbox"/>		ORDER granting in part and denying in part <a href="#">3</a> Motion to Produce. Signed by Judge Oliver A Omega on 4/15/2007. (Allen, Jennie) (Entered: 06/11/2007)

Footer format:  (Numbers, letters, spaces, and "pagenum" only)

☐ Include full docket sheet  
☒ Include abridged docket sheet

[View Selected](#)

When the user submits his/her selections, the system computes the projected size of the aggregated file and compares it with the maximum allowable file size. If the size of the aggregated file would be larger than the maximum allowable file size, the aggregated file will not be generated; instead, an error message will be displayed. If all of the documents in the case would together exceed the maximum allowable file size, then the file sizes for each individual document would appear on the screen above so the user can avoid exceeding the limit when selecting documents.

Each component document in the aggregated PDF file will have a PDF header. On the Docket Report selection screen, if the ***Include headers when displaying PDF documents*** checkbox is displayed, the checkbox will be grayed out.

A summary of PACER billing will be provided for the selected documents. This will consist of

a series of PACER billing receipts for each document with a computed total billing amount. The PACER user will be charged for the docket sheet from which the documents are selected, but not for the docket sheet that is included in the aggregate file.

On the docket sheet that is included in the aggregated file, each docket entry for which one or more documents is included in the aggregated file will show the page number of the first document in that docket entry.

Bottom Portion of Docket Sheet that is included in the Appendix

Date Filed	#	Page	Docket Text
06/11/2006	<u>1</u>	2	COMPLAINT against John Ashburn (Filing fee \$ 350.), filed by John Baker. (Allen, Jennie) (Entered: 06/11/2007)
06/29/2006	2	15	ANSWER to COMPLAINT with Jury Demand by John Ashburn. (Allen, Jennie) (Entered: 06/11/2007)
03/05/2007	<u>3</u>	16	MOTION to Produce Medical Records by John Ashburn. Motions referred to Thomasina S Twenty. (Allen, Jennie) (Entered: 06/11/2007)
03/19/2007	<u>4</u>	17	RESPONSE in Opposition re <u>3</u> MOTION to Produce filed by John Baker. (Attachments: # <u>1</u> Affidavit) (Allen, Jennie) (Entered: 06/11/2007)

## SPECIAL RESTRICTED ACCESS TO TRANSCRIPT DOCUMENTS

The Committee on Court Administration and Case Management has recommended that new measures be implemented with regard to court reporter/transcriber-generated transcripts filed in the CM/ECF system. According to the recommendations, transcripts of court proceedings should be made available to the general public for inspection only at the clerk's office for a period of 90 days after delivery to the clerk of court. During that 90 day period, a copy of the transcript may be purchased from the court reporter or transcriber at the rate established by the Judicial Conference. In addition, attorneys who have purchased the transcript or a copy thereof should be provided remote electronic access to the document in CM/ECF (if registered user in CM/ECF) to create hyperlinks in court filings and for other purposes. After the 90 day period, transcripts will be available to the public for copying/printing in the clerk's office and through PACER.

The CM/ECF software has been modified to accommodate the new measures established by the Committee on Court Administration and Case Management. These changes provide a mechanism for establishing access to the transcript document on a per-use basis.

### Filing Transcript Documents

Outlined below are the steps in filing transcripts.

1. The court reporter will file the transcript on the docket. This event will automatically set the 'Redaction Request' deadline (21 days), the 'Redacted Transcript' deadline (31 days), and the

'Release of Transcript Restriction' deadline (90 days).

2. Immediately following the filing of the transcript, the court reporter shall file a "Notice to Counsel of Filing of Official Transcript". This is a 'text only' entry and therefore will not have a document attached. This 'Notice' includes language that indicates that parties have five (5) business days to file with the court a 'Notice of Intent to Request Redaction' of this transcript. The 'Notice to Counsel of Filing of Official Transcript' is transmitted to the parties in the case via the Notice of Electronic Filing (NEF) through CM/ECF or manually by the clerk's office, if the parties are not registered for CM/ECF. **Redaction responsibilities apply to the attorneys even if the requestor of the transcript is a judge or a member of the public/media.**
3. Within five business days of the filing the transcript in CM/ECF, each party wishing to redact a transcript must inform the court, by filing a **'Notice of Intent to Request Redaction'**. These redactions may include individuals' Social Security numbers, names of minor children, financial account numbers, dates of birth, and, in criminal cases, homes addresses. If no such notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not necessary.

**NOTE:** Parties are instructed when filing this event to serve the court reporter with this notice manually, since we do not serve court reporters via CM/ECF. Also, only those identifiers listed in the rules (listed above) can be redacted through this part of the process.

4. If redaction is requested, the party is to submit to the court reporter, within 21 calendar days of the filing of the transcript, or longer if a court so orders, a statement indicating where the personal data identifiers to be redacted appear in the transcript. The court reporter must redact the identifiers as directed by the party. These procedures are limited to the redaction of the specific personal data identifiers listed in the rules.

**NOTE:** If an attorney wishes to redact additional information, he or she may make a motion to the court. The transcript will not be electronically available until the court has ruled on any such motion, even though the 90-day restriction period may have ended.

5. The court reporter must, within 31 calendar days of the filing of the transcript, or longer if the court so orders, perform the requested redactions, and file a redacted version of the transcript with the clerk of court. The original unredacted electronic transcript should be retained by the clerk of court as a restricted document on the docket.

**NOTE:** Keep in mind, that if there are redactions, the case file will contain two transcripts that are restricted from remote access during the 90-day period. While the redacted transcript will eventually be available for remote access, the unredacted, original transcript will continue to be a restricted document and the header "AVAILABLE AT THE PUBLIC TERMINAL FOR VIEWING ONLY" will continue to appear after the 90 day deadline has expired. Court staff will have access to both documents and attorneys who did not purchase the unredacted version will have access only to the redacted version.

Also, if an attorney purchases the unredacted transcript, and subsequently a redacted transcript is filed, the CM/ECF software will automatically apply the access restrictions of the unredacted transcript onto the redacted transcript when the redacted transcript is docketed, and the attorney will then have access to both documents. However, if an attorney purchases the redacted transcript, he does not automatically acquire access rights to the unredacted version. Both transcripts will be available at the public terminal, for viewing only.

6. If, at the end of the 90-day restriction period, there are no redaction documents or motions linked to the transcript, CM/ECF will automatically remove the access restrictions. If, at the end of the 90-day restriction period, there are documents and motions linked to the transcript, CM/ECF will report this using the new transcript report and court staff will remove the access restrictions as appropriate.